

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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BKY No. 09-50779

In re:

Dennis E. Hecker,

**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF RECORDS**

Debtor.

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TO: Officer/Managing Agent, Erickson Marine, Inc., 11721 Pt. Douglas Road South,  
Hastings, MN 55033.

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 10:30 a.m. on September 2, 2009 Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than August 28, 2009 which is 3 days before the above date or filed and served by mail not later than August 24, 2009 which is 7 days before the time set for hearing in accordance with Local Rules. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

3. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542(e) and Local Rule 6072-1.

4. The petition commencing this Chapter 7 case was filed on June 4, 2009. The case is now pending in this Court.

5. The Trustee seeks turnover of copies of any and all documents including, without limitation, the purchase of any boats, personal water craft or any other items from January 1, 2005 to date by including, but not limited to, the following:

- a. 2005 Cobalt 343 Boat, Hull ID# FGE34050B505.

WHEREFORE, the Trustee requests an Order of the Court requiring Erickson Marine, Inc., turn over the following:

1. Copies of any and all documents including, without limitation, the purchase of any boats, personal water craft or any other items from January 1, 2005 to date including, but not limited to, the following:

- a. 2005 Colbalt 343 Boat, Hull ID# FGE34050B505.

**LEONARD, O'BRIEN  
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: August 17, 2009

By \_\_\_\_\_  
Matthew R. Burton, #210018  
Attorneys for Randall L. Seaver, Trustee  
100 South Fifth Street, Suite 2500  
Minneapolis, Minnesota 55402  
(612) 332-1030

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: August 17, 2009

/s/ Randall L. Seaver

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Randall L. Seaver, Trustee

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

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**UNSWORN CERTIFICATE OF SERVICE**

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I hereby certify that on August 17, 2009, I caused the following documents:

***Notice of Hearing and Motion for Turnover of Records and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

- Patti H Bass ecf@bass-associates.com
- Bruce H. Carlson bruce.carlson@mlcfargolaw.com, tricia.fossen@mlcfargolaw.com
- Monica L. Clark clark.monica@dorseylaw.com
- Gordon B. Conn conn@kwgc-law.com
- Clinton E. Cutler ccutler@fredlaw.com, mdavis@fredlaw.com
- Stephen F Grinnell stephen.grinnell@gpmlaw.com
- Douglas W. Kassebaum dkassebaum@fredlaw.com, scharter@fredlaw.com;bankruptcy@fredlaw.com
- Jeffrey D. Klobucar jklobucar@foleymansfield.com
- Connie Lahn connie.lahn@fmjlaw.com, Aong.Moua@fmjlaw.com
- Thomas Lallier tlallier@foleymansfield.com
- Joseph W. Lawver jlawver@messerlikramer.com, mnygaard@messerlikramer.com
- Nauni J Manty ecf@mantylaw.com
- Michael L Meyer mlmeyer@ravichmeyer.com
- Ralph Mitchell rmitchell@lapplibra.com, jpipp@lapplibra.com
- Andrew Paul Moratzka apm@mcmlaw.com, jef@mcmlaw.com;ldj@mcmlaw.com

- Cynthia A. Moyer cmoyer@fredlaw.com, cthomas@fredlaw.com
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- Recovery Management Systems Corp claims@recoverycorp.com
- Craig E. Reimer creimer@mayerbrown.com, samahdi@mayerbrown.com; srozen@mayerbrown.com; hroin@mayerbrown.com
- David E. Runck david.runck@fmjlaw.com, Aong.Moua@fmjlaw.com
- Randall L. Seaver rlseaver@fullerseaverramette.com, rseaver@ecf.epiqsystems.com
- Brad A Sinclair bsinclair@serklandlaw.com, crohr@serklandlaw.com
- Rebecca G. Sluss rsluss@oppenheimer.com
- Matthew A Swanson matthew.swanson@leonard.com, callie.sanford@leonard.com
- US Trustee ustpreion12.mn.ecf@usdoj.gov

I further certify that I caused a copy of the foregoing documents to be faxed, e-mailed and/or mailed by first class mail, postage paid, to the following:

Erickson Marine, Inc.  
Officer/Managing Agent  
11721 Pt. Douglas Road South  
Hastings, MN 55033

Michael B. Lubic  
Sonnenschein Nath & Rosenthal LLP  
601 S Figueroa St Ste 2500  
Los Angeles, CA 90017-5704

Nicholas N. Nierengarten  
Gray, Plant, Mooty & Bennett  
500 IDS Center  
80 S 8th St  
Minneapolis, MN 55402

Dennis E. Hecker  
P.O. Box 1017  
Crosslake, MN 56442

/e/ Valerie Rittenbach

Dated: August 17, 2009

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Valerie Rittenbach  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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BKY No. 09-50779

In re:

Dennis E. Hecker,

**ORDER**

Debtor.  
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This case is before the court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate. Appearances, if any, were noted upon the record.

Upon the motion and the files,

IT IS HEREBY ORDERED that within seven (7) days from the entry of this Order Erickson Marine, Inc., shall turnover to the Trustee:

1. Copies of any and all documents including, without limitation, the purchase of any boats, personal water craft or any other items from January 1, 2005 to date including, but not limited to, the following:

a. 2005 Cobalt 343 Boat, Hull ID# FGE34050B505

**BY THE COURT:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Robert J. Kressel  
U.S. Bankruptcy Judge